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5. Whether it is to be circulated to the Civil Judge?-No.

K C JANI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No.3046 of 1988

MRS KETTY A MEHTA for Petitioners

MR S.J.Dave, AGP, for Respondent No. 1

NOTICE SERVED for Respondent No. 2

FRESH NOTICE REQD(N) for Respondent No. 3, 4, 5

2. Special Civil Application No. 3125 of 1988

MRS KETTY A MEHTA for Petitioner

Mr.S.J. Dave, AGP, for Respondent No. 1, 2, 3

3. Special Civil Application No.3213 of 1988

MRS KETTY A MEHTA for Petitioner

Mr.S.J.Dave, AGP, for Respondent No. 1.

FRESH NOTICE REQD(N) for Respondent No. 2, 3, 4

4. Special Civil Application No.3611 of 1988

MRS KETTY A MEHTA for Petitioner

MR S.J. DAVE, AGP, for

Respondent No. 1, 2, 3, 4, 5, 6, 7, 8, 9

CORAM : CHIEF JUSTICE MR.K.G.BALAKRISHNAN and

MR.JUSTICE M.S.SHAH

Date of decision: 02/11/98

ORAL JUDGEMENT: (Per K.G. Balakrishnan, C.J.)

The petitioners in all these matters challenge the seniority list of Mamlatdars of the Revenue Department. The petitioners had to pass the Revenue Qualifying Examination within a stipulated period. As per the Rules, the candidates have to register their pass on taking a maximum of three chances. If they fail to pass the examination within these chances, they are brought down in the seniority list. These petitioners passed the examination in the third chance, but according to them, though they had applied for one chance, they

could not write the examination. The Authorities took the stand that they had passed the examination by taking four chances and all these petitioners' ranks were reduced in the seniority list. These petitioners obtained interim orders, restraining the authorities from reverting their position in the seniority list and they continued in the post of Mamlatdar / Deputy Mamlatdar and we are told that all these petitioners have now retired from service.

As these petitioners, by virtue of the interim order, continued in the same post ever since the grant of the interim order, we are of the view that they be given all pensionary benefits as if they continued in that post lawfully. Respondents 1 and 2 are directed to take appropriate steps to fix their pensionary benefits, as stated above, at the earliest within a period of two months from the date of receipt of a copy of this judgment. Rule is made absolute to the aforesaid extent.

(apj)